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## NOTES/COMMENTS:

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GR 98 P 5938

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Karl Klaghofer et al.

[3-6-03]  
[SEARCHED] [INDEXED] [V]

Appl. No. : 09/441,535

Filed : November 16, 1999

Title : Multimedia Terminal for Telephony Allowing Multipoint Connections

Examiner : Michael E. Robustelli

Group Art Unit : 2697

**R E S P O N S E:**

Hon. Commissioner of Patents and Trademarks  
Washington, DC 20231

Sir :

The following remarks respond to the Office action dated December 19, 2002:

Reconsideration of the application is requested. Claims 1-4 remain in the application.

In item 3 of the Office action, the Examiner rejected claims 1 and 3 as being fully anticipated by Kumar (U.S. 6,163,531)

under 35 U.S.C. § 102(e). In addition, in item 5 of the Office action, the Examiner rejected claims 2 and 4 as being unpatentable over Kumar (U.S. 6,163,531) in view of Ahuja et al. (U.S. 5,689,553) under 35 U.S.C. § 103(a). As will be explained below, the claims were patentable over the cited art in their original form and the claims have, therefore, not been amended to overcome the references.

Before discussing the prior art in detail, a brief review of the invention as claimed is provided. Claim 1 calls for, *inter alia*, a multimedia terminal for telephony based on ITU-T Standard H.323 for setting up a multipoint connection to a plurality of terminals, that has the following features:

a controller for processing signaling information for a point-to-multipoint connection between the multimedia terminal and a plurality of terminals; and

a mixer, connected to said controller, for mixing datastreams originating at the multimedia terminal and at the plurality of terminals and for providing datastream mixtures to the plurality of terminals.  
(Emphasis added by Applicants.)

The object of the instant application is to provide a multimedia end device for the realization of H.323 multipoint connections. According to the invention, the multimedia end device includes a controller for signal processing for point-to-multipoint connections as well as a mixer for mixing the data streams sent from the conference participants (including

the multimedia end device itself) and for distributing data stream mixtures to the conference participants.

In contrast, in common H.323 conference systems, a central conference control device (MCU: multipoint control unit) controls the conference signals and mixes and distributes the data streams of the conference participants. The central conference control device should not be confused with an end device.

Thus, an essential advantage of the invention thus is that no such central MCU is necessary. Furthermore, the integration of the signal processing and mixing functionality in an end device according to the invention allows for a more flexible conference set-up from this end device. Connections to several end devices, for example, can be set-up parallel from the end device according to the invention. Furthermore, due to its mixing function, the end device according to the invention also integrates the use of non-multipoint end devices in a conference circuit.

Kumar describes a conference system that, contrary to the object of the instant application, requires a central MCU or a central multipoint controller (MC). The MCU disclosed in Kumar is thereby not to be confused with an end device. In col. 3, lines 27 to 30, of Kumar it is even explicitly defined

that an MCU is a stand-alone unit that is disposed outside of an end device. Therefore, the identification of an MCU in an end device as made by the Examiner cannot be maintained. Even though an MC might be disposed in an end device (see col. 3, line 27), the MC does not contain a multipoint processor (MP) (see col. 3, lines 30 to 34) that could mix media streams (see col. 4, lines 19-21). Kumar only discloses that such an MP may be present in an MCU together with an MC; see col. 3, line 31. However, in Kumar col. 3, lines 27-30, an MCU is disclosed exclusively as a stand-alone unit disposed outside of an end device. It follows that an MP in Kumar is exclusively provided for the purpose of mixing and distributing media streams outside of the end devices.

Kumar does not teach a mixer in an end device for mixing the data streams that start from the conference participants and for distributing data stream mixtures to the conference participants. This holds true particularly for the embodiments illustrated in Figs. 2a and 2b.

In the embodiment according to Fig. 2a based on MC, the transmitting conference participants transmit the audio data streams via multicasting to the other conference participants (see col. 3, line 66, to col. 4, line 8). Due to the multicasting, it is not necessary to mix the data streams of the conference participants and to distribute the mixed data

streams to the conference participants. Even though a mixing of data streams in the received end devices does take place in order to output the mixing result to the respective user (col. 4, lines 10 to 14), but the data stream starting from the respective end device itself is not mixed thereto and the data stream mixtures are not transmitted to the other end devices. Due to the fact that, in this embodiment, a distribution of mixed data streams is not necessary, a mixer for mixing the data streams starting from the conference participants and for distributing data stream mixtures to the conference participants cannot be suggested by this MC-based embodiment variant.

In the MCU-based embodiment variant according to Fig. 2b, the media streams starting from the conference participants are transmitted to an MP, which is disposed in the MCU, and the MP centrally mixes the media data streams. Col. 4, lines 18 to 21 in combination with Fig. 2b show that the mixing and distribution of data streams takes place in the MP and thus outside of the end device. An integration of an MP into an end device is not suggested, because col. 3, lines 28 to 34, teach an MCU containing an MP as a stand-alone unit outside of the end device.

With regard to the additional prior art, Ahuja et al. also do not contain any information regarding an integration of a

mixer in an end device according to the invention. Instead, a mixing functionality is implemented in Ahuja et al. in a bridge controller 86 that cannot be interpreted as end device (see Fig. 3, 2 and 1).

Furthermore, the objects disclosed in Ahuja et al. cannot simply be transferred in H.323-environment. It is thus questionable whether a person of skill in the art starting at Kumar would even consider Ahuja et al.

In summary, it is noted that neither Kumar nor Ahuja et al. contains any indication that a controller for signal processing for point-to-multipoint connection together with a mixer for mixing the data streams starting from the conference participants and for distributing data stream mixtures to the conference participants is contained in an end device.

Accordingly, Kumar does not show the features of claim 1 or 3. Therefore, claims 1 and 3 are novel and patentable over the art. Moreover, because all of the dependent claims are ultimately dependent on claim 1 or 3, they are believed to be patentable as well. Furthermore, claims 2 and 4 are not obvious over Kumar and Ahuja et al.

In view of the foregoing, reconsideration and allowance of claims 1-4 are solicited. In the event the Examiner should

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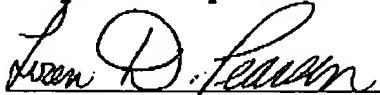
GR 98 P 5938

still find any of the claims to be unpatentable, please telephone counsel so that patentable language can be substituted.

If an extension of time for this paper is require, petition for extension is herewith made.

Please charge any other fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,

  
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For Applicants

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LDP:cgm

March 6, 2003

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